



RECEIVED  
JAN 14 2002  
TC 1700

PATENT  
Attorney Docket No. CYM-025  
(2174/29)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Ostgaard et al.  
SERIAL NO.: 09/156,952 GROUP NO.: 1743  
FILING DATE: 18-Sep-98 EXAMINER: Patricia K. Bex  
TITLE: SAMPLE VIAL FOR USE IN PREPARING CYTOLOGICAL SPECIMEN

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231 on this 19th day of October, 2001.

  
Nicole Deane

Assistant Commissioner for Patents  
Washington, D.C. 20231

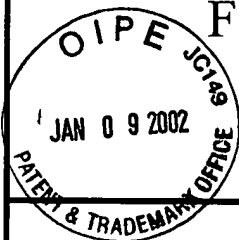
Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Amendment and Response (11 pgs.); and
3. Return Receipt Postcard

GAFFBM217429.2201718\_1

# TRANSMITTAL FORM



Application Serial Number	09/156,952
Filing Date	18-Sep-98
First Named Inventor	OSTGAARD
Group Art Unit	1743
Examiner Name	Patricia K. Bex
Attorney Docket No.	CYM-025
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

**RECEIVED**  
JAN 14 2002  
TC 1790

## ENCLOSURES (check all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><input checked="" type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><input type="checkbox"/> Petition for Extension of Time<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)<br><input type="checkbox"/> Formal Drawing(s)<br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> CD(s) for large table or computer program<br><input type="checkbox"/> Amendment After Allowance<br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><input type="checkbox"/> Appeal Brief (in triplicate)<br><input type="checkbox"/> Status Inquiry<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|--|---|

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
Date: October 19, 2001  
Reg. No. 44,691  
Tel. No.: (617) 310-8085  
Fax No.: (617) 790-0332  
mail: [gaff@tht.com](mailto:gaff@tht.com)  
Brian M. Gaff, Esq.  
Attorney for Applicant  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110



RECEIVED  
JAN 14 2002  
TC 1700

D. Lawrence  
#2215  
2.4.02

PATENT  
Attorney Docket No. CYM-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ostgaard et al.  
SERIAL NO.: 09/156,952 GROUP NO.: 1743  
FILING DATE: 18-Sep-98 EXAMINER: Patricia K. Bex  
TITLE: *Sample Vial for Use in Preparing Cytological Specimen*

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, DC 20231

AMENDMENT AND RESPONSE

In reply to the Office Action, Paper No. 20, mailed from the U.S. Patent and Trademark Office on August 14, 2001, for which the period of response is set to expire on November 14, 2001, Applicants respectfully request entry of this Amendment and Response.

Please amend the above-identified patent application as follows, without prejudice. In accordance with 37 C.F.R. § 1.121, attached to the end of this Amendment is a marked up version of the amended items showing all changes relative to the previous version.

IN THE CLAIMS:

Please amend the claims to read as follows.

1. (Five times amended) A sample vial for use in an automated test apparatus, the sample vial comprising:
- a body comprising an outer surface, an open end, a closed end, and at least one anti-rotation lug about said body outer surface, the anti-rotation lug comprising a planar, longitudinally disposed surface extending radially outwardly from said body outer surface, the longitudinally disposed surface

ET  
Sub  
2/17